

PROB 12C  
ED/AR (12/2012)**FILED**  
U. S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS**United States District Court**

SEP 14 2017

for the

Eastern District of Arkansas

**JAMES W. McCORMACK, CLERK**  
By: mw DEP CLERK**SUPERSEDING PETITION****(Replacing previously filed petition, Docket Entry 23)**

Name of Offender: Michael Layton

Case Number: 4:12CR00267-001 KEBName of Sentencing Judicial Officer: Honorable Kristine G. Baker  
United States District Judge

Original Offense: Felon in Possession of a Firearm

Date of Sentence: November 21, 2013

Original Sentence: 30 months Bureau of Prisons followed by 36 months supervised release

Type of Supervision: Supervised Release  
Date Supervision Commenced: December 31, 2015  
Date Supervision Expires: December 30, 2018Drug and Alcohol Treatment Asst. U.S. Defense  
Specialist: Bryce D. Geiggar Attorney: Allison Bragg Attorney: To be appointed**PETITIONING THE COURT**

- ☐ To Issue a Sealed Warrant Pending Execution (cc: U.S. Probation and U.S. Marshal only)
- ☒ The Petition (Docket Entry 23) is denied as moot and superseded by this Petition
- ☒ To Issue a Summons
- ☐ Other

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Condition and Number</u>	<u>Nature of Noncompliance</u>
1	General	<b>The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.</b>
2	Standard (7)	<b>The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.</b> On January 7, 2016, Mr. Layton violated these conditions of supervised release when he submitted a urine specimen confirmed positive for marijuana. Mr. Layton signed an admission form citing use of marijuana on an unknown date.

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Superseding Petition

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On January 28, 2016, Mr. Layton violated these conditions of supervised release when he submitted a urine specimen confirmed positive for marijuana. An interpretation of results performed by Alere Toxicology determined these test results were not due to residual elimination.

On March 9, 2016, Mr. Layton violated these conditions of supervised release when he submitted a urine specimen confirmed positive for marijuana. Mr. Layton signed an admission form citing use of marijuana on an unknown date.

On May 16, 2016, Mr. Layton violated these conditions of supervised release when sweat patch results confirmed positive for the use of cocaine and phencyclidine. The sweat patch was applied on April 26, 2016, and removed on May 6, 2016.

On June 9, 2016, Mr. Layton violated these conditions of supervised release when he submitted a urine specimen confirmed positive for marijuana.

On June 22, 2016, Mr. Layton violated these conditions of supervised release when sweat patch results confirmed positive for the use of cocaine. The sweat patch was applied on June 9, 2016, and removed on June 17, 2016. Furthermore, Mr. Layton signed an admission form citing use of marijuana the week prior to testing.

On November 16, 2016, Mr. Layton violated these conditions of supervised release when he submitted a urine specimen confirmed positive for marijuana. Mr. Layton signed an admission form citing use of marijuana on an unknown date.

On May 30 and July 20, 2017, Mr. Layton violated these conditions of supervised release when he submitted a urine specimen confirmed to be diluted.

On July 11, 2017, Mr. Layton violated these conditions of supervised release when he submitted a urine specimen confirmed positive for marijuana.

On July 20 and August 17, 2017, Mr. Layton violated this condition of supervised release when he submitted urine specimens confirmed to be diluted.

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Special

**Mr. Layton shall participate under the guidance and supervision of the probation officers, in substance abuse treatment programs which may include testing, outpatient counseling, and residential treatment. Further, Mr. Layton shall abstain from the use of alcohol throughout the course of treatment.**

On January 12, March 7, 30, April 25, July 8, September 7, and November 9

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Superseding Petition

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and 28, 2016; and February 17, 28, and March 27, 2017, Mr. Layton violated this condition of supervised release when he failed to report for scheduled drug testing at the U.S. Probation Office.

On February 27, March 13, 27, and April 10 and 17, 2017, Mr. Layton violated this condition of supervised release when he failed to report for counseling sessions as directed at Recovery Centers of Arkansas.

On April 24, 2017, Mr. Layton violated this condition of supervised release when he was discharged from the chemical-free living program at Recovery Centers of Arkansas as a program failure due to multiple rule violations.

On August 15, 2017, Mr. Layton violated this condition of supervised release when he failed to provide a urine specimen after reporting for a scheduled drug test at the U.S. Probation Office. Mr. Layton's inability to produce a urine specimen in a reasonable amount of time was considered a stall.

**4 General**

**The defendant shall not commit another federal, state, or local crime.**

On July 22, 2016, Mr. Layton violated this condition of supervised release when he punched a female victim in the face repeatedly with a closed fist as evidenced by his arrest on October 5, 2016, for Assault 2<sup>nd</sup> Degree, as documented by the North Little Rock, Arkansas, Police Department's incident report no. 20160599982. On January 4, 2017, Mr. Layton was convicted of violation of Assault 2<sup>nd</sup> Degree in Case No. CR-16-8459 in the North Little Rock, Arkansas, District Court. Mr. Layton was sentenced to six months of probation, community service, and \$1,140 fines and court costs.

Bryce D. Geiggar

Bryce D. Geiggar  
Drug and Alcohol Treatment Specialist

Executed on September 13, 2017

Approved by:

Spencer Brown

Supervising U.S. Probation Officer

Allison W. Bragg

Allison W. Bragg  
Assistant U.S. Attorney

Executed on 9/14/17

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Superseding Petition

Name of Offender: Michael Layton

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THE COURT ORDERS:

- ☐ To Issue a Sealed Warrant Pending Execution (cc: U.S. Probation and U.S. Marshal only)
- ☒ The Petition (Docket Entry 23) is denied as moot and superseded by this Petition
- ☐ To Issue a Summons
- ☐ No Action
- ☐ Other

Kristine G. Baker

Honorable Kristine G. Baker  
United States District Judge

September 14, 2017

Date